

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----X

4 LETICIA FRANCINE STIDHUM,

5 Plaintiff,

6 -against- CASE: 21-CV-07163

7 161-10 HILLSIDE AUTO AVE, LLC d/b/a HILLSIDE  
8 AUTO OUTLET, and HILLSIDE AUTO MALL INC  
9 d/b/a HILLSIDE AUTO MALL, ISHAQUE THANWALLA,  
JORY BARON, RONALD M. BARON and ANDRIS GUZMAN,

10 Defendants.

11 -----X

12 March 10, 2023

13 10:00 A.M.

14  
15 VIRTUAL EXAMINATION BEFORE TRIAL of  
16 DEANA JENNINGS, via Zoom, a 30(b)6 witness  
17 herein, held at the above-mentioned time and  
18 taken before Lynn Luckman, a Notary Public  
19 and Shorthand Reporter within and for the  
20 State of New York.

21  
22  
23 SANDY SAUNDERS REPORTING  
24 254 South Main Street, Suite 216  
25 New City, New York 10956  
(845) 634-7561

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4</p> <p>5 TROY LAW, PLLC</p> <p>6 Attorneys for the Plaintiff</p> <p>7 41-25 Kissena Boulevard, Suite 103</p> <p>8 Flushing, New York 1355</p> <p>9 BY: Tiffany Troy, Esq.</p> <p>10</p> <p>11 MILMAN, LABUDA LAW GROUP, PLLC</p> <p>12 3000 Marcus Avenue, Suite 3W8</p> <p>13 Lake Success, New York 11042-1073</p> <p>14 BY: Emanuel Kataev, Esq</p> <p>15 emaanuel@milaborlaw.com</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 FEDERAL STIPULATIONS</p> <p>2</p> <p>3 IT IS HEREBY STIPULATED AND AGREED by</p> <p>4 and between counsel for the respective parties</p> <p>5 hereto that all objections except as to the</p> <p>6 form shall be reserved to the time of trial.</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that the sealing and filing of this deposition</p> <p>9 shall be hereby waived.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that this examination may be sworn to by the</p> <p>12 witness being examined before a notary public</p> <p>13 other than the notary public before whom</p> <p>14 examination was begun examination was begun.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 4</p> <p>1 Deana Jennings</p> <p>2 BY THE COURT REPORTER:</p> <p>3 The attorneys participating</p> <p>4 in this deposition</p> <p>5 acknowledge that I am not</p> <p>6 physically present in the</p> <p>7 deposition room and that I</p> <p>8 will be reporting this</p> <p>9 deposition remotely. They</p> <p>10 further acknowledge that, in</p> <p>11 lieu of an oath administered</p> <p>12 in person, I will administer</p> <p>13 the oath remotely. The</p> <p>14 parties and their counsel</p> <p>15 consent to this arrangement</p> <p>16 and waive any objections to</p> <p>17 this manner of reporting.</p> <p>18 MS. TROY: I consent</p> <p>19 MR. KATAEV: I</p> <p>20 consent.</p> <p>21</p> <p>22</p> <p>23 * * *</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Deana Jennings</p> <p>2</p> <p>3 D-E-A-N-A J-E-N-N-I-N-G-S, a</p> <p>4 30(b)6 witness herein, after having been</p> <p>5 duly sworn by a Notary Public of the</p> <p>6 State of New York, was examined and</p> <p>7 testified as follows:</p> <p>8</p> <p>9 BY THE REPORTER:</p> <p>10 Q. Please state your full name</p> <p>11 for the record.</p> <p>12 A. Deana Jennings.</p> <p>13 Q. Please state your present</p> <p>14 address for the record.</p> <p>15 A. 49 Staghorn Drive Matawan</p> <p>16 N.J. 07747.</p> <p>17 EXAMINATION BY</p> <p>18 TIFFANY TROY:</p> <p>19 Q. Good morning. Mr. Kataev, for</p> <p>20 the record, please have your witness show</p> <p>21 her ID.</p> <p>22 (The witness complies)</p> <p>23 That's good.</p> <p>24 MS. TROY: Please, Ms.</p> <p>25 Court reporter mark Exhibit</p>

<p style="text-align: right;">Page 6</p> <p>1 Deana Jennings</p> <p>2 20 as the ID, deem it marked.</p> <p>3 (The court reporter</p> <p>4 complies).</p> <p>5 Q. Good morning, have you ever been</p> <p>6 part of a deposition before?</p> <p>7 A. No.</p> <p>8 Q. In that case, I'm going to</p> <p>9 explain what a deposition is and lay down</p> <p>10 some ground rules going forward.</p> <p>11 First, this deposition is for me to ask</p> <p>12 you questions and for you to answer my</p> <p>13 questions about the subject matter of this</p> <p>14 lawsuit; do you understand?</p> <p>15 A. Yes.</p> <p>16 Q. Since the court reporter has to</p> <p>17 take down everything that you say, I ask</p> <p>18 that you give verbal responses; no shakes or</p> <p>19 nodding of your head and no gestures; do you</p> <p>20 understand?</p> <p>21 A. Okay.</p> <p>22 Q. For that same reason, please</p> <p>23 speak loudly and clearly when you answer my</p> <p>24 question.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 7</p> <p>1 Deana Jennings</p> <p>2 Q. The stenographer can only take</p> <p>3 down one person speaking at a time.</p> <p>4 Therefore, please do not start to answer one</p> <p>5 of my questions before I stop asking it;</p> <p>6 likewise, I will not start any question</p> <p>7 until you have finished answering my last</p> <p>8 question; okay?</p> <p>9 A. Okay.</p> <p>10 Q. If you have a particularly long</p> <p>11 answer, please break in between sentences so</p> <p>12 that the stenographer can note down your</p> <p>13 responses and then you can continue.</p> <p>14 A. Okay.</p> <p>15 Q. If you need to take a break for</p> <p>16 example, to get a drink of water or to use</p> <p>17 the restroom, please let me know and I will</p> <p>18 call for a recess. However, there can be no</p> <p>19 break in between one of my questions and</p> <p>20 your answer to that question; do you</p> <p>21 understand?</p> <p>22 A. Yes.</p> <p>23 Q. From time to time your attorney</p> <p>24 may make objections to my questions.</p> <p>25 Generally, however, unless your attorney</p>
<p style="text-align: right;">Page 8</p> <p>1 Deana Jennings</p> <p>2 tells you not to answer, you will still have</p> <p>3 to respond; do you understand?</p> <p>4 A. Yes.</p> <p>5 Q. If you don't understand a</p> <p>6 question, tell me and I'll rephrase it so</p> <p>7 that you can. If you don't hear a question,</p> <p>8 tell me and I'll repeat it so that you do;</p> <p>9 do you understand?</p> <p>10 A. Yes.</p> <p>11 Q. We are here today for facts and</p> <p>12 not speculation. Therefore, if you don't</p> <p>13 know an answer to a question, say so.</p> <p>14 A. Okay.</p> <p>15 Q. Do you understand that you have</p> <p>16 taken an oath to tell the truth?</p> <p>17 A. Yes.</p> <p>18 Q. Do you understand that your oath</p> <p>19 to tell the truth carries the same force and</p> <p>20 effect as if you were testifying in court</p> <p>21 before a Judge?</p> <p>22 A. Yes.</p> <p>23 Q. Are you currently taking any</p> <p>24 medications that could prevent you from</p> <p>25 recalling the truth or testifying truthfully</p>	<p style="text-align: right;">Page 9</p> <p>1 Deana Jennings</p> <p>2 and completely today?</p> <p>3 A. No.</p> <p>4 Q. Are currently under any physical</p> <p>5 or emotional condition that could prevent</p> <p>6 you from recalling the truth or testifying</p> <p>7 truthfully and completely today?</p> <p>8 A. No.</p> <p>9 Q. Do you agree that during this</p> <p>10 deposition, except during on break, you are</p> <p>11 not going to be communicating with anyone by</p> <p>12 email, chat or instant message on your phone</p> <p>13 or any other device?</p> <p>14 A. Yes.</p> <p>15 Q. Do you agree that besides the</p> <p>16 documents that I will be showing you on the</p> <p>17 screen as exhibits today that you will not</p> <p>18 be reviewing any notes on your computer,</p> <p>19 cell phone or any other device?</p> <p>20 A. Yes.</p> <p>21 Q. Do you have a cell phone on you</p> <p>22 or near you?</p> <p>23 A. Not on me.</p> <p>24 Q. Where is your cell phone?</p> <p>25 A. I left it in the car.</p>

<p style="text-align: right;">Page 10</p> <p>1 Deana Jennings</p> <p>2 Q. Why did you leave your cell</p> <p>3 phone in the car?</p> <p>4 MR. KATAEV: Objection.</p> <p>5 You were harassing. You may</p> <p>6 answer the question.</p> <p>7 A. I forgot to plug it in and I</p> <p>8 wanted to be on time this morning.</p> <p>9 Q. Besides your attorney, did you</p> <p>10 speak with anyone in order to prepare for</p> <p>11 today's deposition?</p> <p>12 A. Yes.</p> <p>13 Q. With whom did you speak?</p> <p>14 A. We had a virtual meeting with</p> <p>15 the other defendant.</p> <p>16 Q. Was your attorney present?</p> <p>17 A. Yes.</p> <p>18 Q. For how long did you prepare?</p> <p>19 A. I can't remember, it was more</p> <p>20 than an hour but I honestly can't recall how</p> <p>21 long it was.</p> <p>22 Q. Do you recall when it was?</p> <p>23 A. I can't remember for certain,</p> <p>24 I'm sorry.</p> <p>25 Q. What did you do to prepare for</p>	<p style="text-align: right;">Page 11</p> <p>1 Deana Jennings</p> <p>2 your deposition today, and the caveat is,</p> <p>3 don't tell me anything that you discussed</p> <p>4 with your attorney?</p> <p>5 A. We went over the</p> <p>6 Interrogatories, and that is pretty much it,</p> <p>7 that's it.</p> <p>8 Q. Besides the Interrogatories, did</p> <p>9 you review any other documents in</p> <p>10 preparation for today's deposition?</p> <p>11 A. Yes, some of the evidence.</p> <p>12 Q. Can you describe what type of</p> <p>13 evidence you reviewed?</p> <p>14 A. Yes, it was the text messages, I</p> <p>15 saw some VIN Solutions printouts and a pay</p> <p>16 stub or 2. That is what I can recall.</p> <p>17 Q. Did you review any other</p> <p>18 documents?</p> <p>19 A. I can't recall.</p> <p>20 Q. You mentioned that you had an</p> <p>21 "virtual meeting with the other defendant;"</p> <p>22 was that yesterday?</p> <p>23 A. No.</p> <p>24 Q. By "other defendants," can you</p> <p>25 name which are the other defendants that</p>
<p style="text-align: right;">Page 12</p> <p>1 Deana Jennings</p> <p>2 were present?</p> <p>3 A. Am I allowed to say it?</p> <p>4 MR. KATAEV: Yes.</p> <p>5 A. It was Ishaque Thanwalla, Jory</p> <p>6 Baron, Josh Aronson and Andris Guzman.</p> <p>7 Q. During that meeting, were there</p> <p>8 any other documents that you reviewed</p> <p>9 besides which you have described for me?</p> <p>10 MR. KATAEV: Objection.</p> <p>11 Asked and answered. You can</p> <p>12 answer the question.</p> <p>13 A. From what I can recall, not sure</p> <p>14 exactly.</p> <p>15 Q. Meaning you are not sure if --</p> <p>16 A. If there were more documents</p> <p>17 besides those.</p> <p>18 Q. Please go ahead and complete</p> <p>19 your response.</p> <p>20 A. That was it.</p> <p>21 Q. Have you ever been arrested</p> <p>22 before?</p> <p>23 A. No.</p> <p>24 Q. Do you own the residence that you</p> <p>25 gave at the beginning of this deposition?</p>	<p style="text-align: right;">Page 13</p> <p>1 Deana Jennings</p> <p>2 A. No.</p> <p>3 MR. KATAEV: Objection as</p> <p>4 to relevance.</p> <p>5 A. (Continuing) No.</p> <p>6 Q. Besides the address that you</p> <p>7 gave at the beginning of this deposition,</p> <p>8 have you lived anywhere else in the past 5</p> <p>9 years?</p> <p>10 A. Yes.</p> <p>11 Q. Starting from the most recent,</p> <p>12 where was the address that you lived prior</p> <p>13 to the address that you gave at the</p> <p>14 beginning of this deposition?</p> <p>15 A. Oh my gosh -- 10, Amber Court</p> <p>16 Westbury, New York.</p> <p>17 Q. Have you lived anywhere else</p> <p>18 within the past 5 years?</p> <p>19 A. No.</p> <p>20 Q. What is your highest level of</p> <p>21 education?</p> <p>22 A. Some college.</p> <p>23 Q. Are you currently employed?</p> <p>24 A. Yes.</p> <p>25 Q. Who is your employer?</p>

<p style="text-align: right;">Page 14</p> <p>1 Deana Jennings</p> <p>2 A. Hillside Auto Mall, Inc.</p> <p>3 Q. Besides Hillside Auto Mall,</p> <p>4 Inc., do you have any other employer?</p> <p>5 A. No.</p> <p>6 Q. Currently how many days do you</p> <p>7 work for Hillside Auto Mall, Inc.?</p> <p>8 A. Five.</p> <p>9 Q. Do you have a set schedule?</p> <p>10 A. Pretty much 10 to 5.</p> <p>11 Q. In what year did you begin</p> <p>12 working for Hillside Auto Mall, Inc.?</p> <p>13 A. 2008.</p> <p>14 Q. Have you worked for any other</p> <p>15 employer at the same time that you worked</p> <p>16 for Hillside Auto Mall?</p> <p>17 A. Yes.</p> <p>18 Q. Can you name that employer for</p> <p>19 me, please?</p> <p>20 A. I worked part-time for Hillside</p> <p>21 Auto Outlet, LLC.</p> <p>22 Q. Can you tell me what year you</p> <p>23 began working at Hillside Auto Outlet, LLC?</p> <p>24 A. 2018.</p> <p>25 Q. Besides Hillside Auto Mall and</p>	<p style="text-align: right;">Page 15</p> <p>1 Deana Jennings</p> <p>2 Hillside Auto Outlet, LLC, have you worked</p> <p>3 for any other employer since 2008?</p> <p>4 A. No.</p> <p>5 Q. Can you give me the address for</p> <p>6 Hillside Auto Mall Inc.?</p> <p>7 A. Hillside Auto Mall is 150-01</p> <p>8 Hillside Avenue, Jamaica, New York, 11432.</p> <p>9 Q. How about Hillside Auto Outlet</p> <p>10 LLC?</p> <p>11 A. They are located at 161-10</p> <p>12 Hillside Avenue, Jamaica, New York, 11432.</p> <p>13 Q. What is your position with</p> <p>14 Hillside Auto Mall, Inc.?</p> <p>15 A. I am the controller.</p> <p>16 Q. As the controller, what are your</p> <p>17 responsibilities?</p> <p>18 A. I maintain the books, payroll,</p> <p>19 bills, sales tax, facts, I do some DMV.</p> <p>20 Q. What about maintaining the</p> <p>21 books, specifically what did you mean?</p> <p>22 A. I do the accounting.</p> <p>23 Q. Are you a certified public</p> <p>24 accountant?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 16</p> <p>1 Deana Jennings</p> <p>2 Q. Besides which you have already</p> <p>3 mentioned, do you have any other</p> <p>4 responsibilities as the controller at</p> <p>5 Hillside Auto Mall, Inc?</p> <p>6 A. No.</p> <p>7 Q. What year did you stop working</p> <p>8 for Hillside Auto Outlet LLC?</p> <p>9 A. I think currently, 2020.</p> <p>10 Q. Who hired you in 2008 at</p> <p>11 Hillside Auto Mall, Inc?</p> <p>12 A. Josh Aronson.</p> <p>13 Q. Was your schedule 5 days a week</p> <p>14 from 10:00 a.m. to 5:00 p.m. in 2008?</p> <p>15 A. Which store?</p> <p>16 Q. Let's start from Hillside Auto</p> <p>17 Mall Inc.</p> <p>18 A. Yes, 10 to 5.</p> <p>19 Q. Was it 5 days per week at the</p> <p>20 time when you were hired?</p> <p>21 A. Yes.</p> <p>22 Q. Is it fair to say that between</p> <p>23 2008 and 2018 before you were hired by</p> <p>24 Hillside Auto Outlet, LLC, that you worked 5</p> <p>25 days a week at Hillside Auto Mall, Inc?</p>	<p style="text-align: right;">Page 17</p> <p>1 Deana Jennings</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall which month you</p> <p>4 were hired by Hillside Auto Outlet LLC?</p> <p>5 A. I can't recall off the top of my</p> <p>6 head.</p> <p>7 Q. Who hired you?</p> <p>8 A. Josh Aronson.</p> <p>9 Q. Between 2018 and early 2020, how</p> <p>10 many days would you work for Hillside Auto</p> <p>11 Mall Inc. and how many days would you work</p> <p>12 for Hillside Auto Outlet LLC?</p> <p>13 A. Same time, I usually split up my</p> <p>14 workload.</p> <p>15 Q. So, if there were 5 days a week,</p> <p>16 how many days would you work between 2018</p> <p>17 and early 2020 at Hillside Auto Mall, Inc?</p> <p>18 A. Hillside Auto Mall, Inc?</p> <p>19 Q. Yes.</p> <p>20 A. Five.</p> <p>21 Q. So, between 2018 and early 2020,</p> <p>22 5 days per week, you would be working at</p> <p>23 Hillside Auto Mall, Inc?</p> <p>24 A. Yes.</p> <p>25 Q. During that time, you would also</p>

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1 Deana Jennings

2 maintain the books, payroll ,bills, sales

3 tax and DMV for Hillside Auto LLC as well?

4 A. For Hillside Auto Outlet LLC,

5 everything mentioned minus the DMV.

6 Q. Ms. Jennings, what is your

7 birthdate?

8 A. [REDACTED].

9 Q. You are here today as a 30(b)6

10 witness for 161-10 Hillside Auto Avenue LLC,

11 as well as Hillside Auto Mall Inc. Do you

12 understand that your testimony will be

13 binding as to those corporate defendants?

14 MR. KATAEV: Objection to

15 the form. It calls for a

16 legal conclusion, you can

17 answer the question.

18 A. Can you repeat the question

19 again? I'm sorry.

20 MS. TROY: Ms. Court

21 reporter, will you please

22 read it back.

23 (The reporter read back the

24 last question)

25 A. Yes.

Page 20

1 Deana Jennings

2 A. Correct.

3 Q. Besides the two companies that

4 you mentioned, did you work for any other

5 employers since 2008?

6 A. No.

7 Q. At the time when you began to do

8 work for Hillside Auto Outlet, in addition

9 to Hillside Auto Mall, what was said to you

10 by Josh Aronson?

11 A. Can you repeat that again?

12 MS. TROY: Ms. Reporter,

13 if you don't mind reading it

14 back.

15 (The reporter read back the

16 last question)

17 A. He was opening up another store

18 and he wanted me to be the controller until

19 they found a full-time person for the

20 position.

21 Q. Is it fair to say that you were

22 the controller for Hillside Auto Outlet on

23 or around when it began, meaning on or about

24 when it opened in 2018?

25 A. Yes.

Page 19

1 Deana Jennings

2 Q. Earlier when you mentioned

3 Hillside Auto Outlet LLC, is that the same

4 or different from the 161-10 Hillside Auto

5 Avenue LLC?

6 A. It's the same, it's the D/B/A.

7 Q. Which one is the D/B/A?

8 A. It is 161-10. Hillside Auto

9 Avenue, LLC D/B/A Outlet, If I'm correct.

10 Q. Would you work on-site for both

11 Hillside Auto Mall Inc. And 161-10 Hillside

12 Auto Avenue LLC?

13 A. I have been at Hillside Auto

14 Outlet location.

15 Q. Is that the same between 2018

16 and early 2020?

17 A. Yes.

18 Q. Was your position the same at

19 Hillside Auto Outlet as Hillside Auto Mall?

20 A. Yes.

21 Q. So, you were the controller for

22 Hillside Auto Outlet and Hillside Auto Mall?

23 The difference is that you would not do the

24 DMV for Hillside Auto Outlet; is that

25 correct?

Page 21

1 Deana Jennings

2 Q. You mentioned Josh Aronson. How

3 are you familiar with him?

4 A. Josh is a shareholder at

5 Hillside Auto Mall where I am employed, and

6 he is also a member of Hillside Auto Outlet.

7 Q. While working for Hillside Auto

8 Mall and Hillside Auto Outlet between 2018

9 and early 2020, were there any people

10 working under you or for you?

11 A. No.

12 Q. Was there like an assistant,

13 meaning a controller assistant or an office

14 assistant, someone who helped you with the

15 job?

16 A. At which location?

17 Q. Let's start from Hillside Auto

18 Mall.

19 A. No.

20 Q. How about at Hillside Auto

21 Outlet location?

22 A. No, not assistant, but they had

23 somebody that did the motor vehicle and a

24 bookkeeper here and there throughout the

25 year.



<p style="text-align: right;">Page 22</p> <p>1 Deana Jennings</p> <p>2 Q. You mentioned that you would do</p> <p>3 the payroll for the Hillside Auto Mall as</p> <p>4 well as Hillside Auto Outlet. Can you</p> <p>5 describe how the payroll would be done?</p> <p>6 A. At Hillside Auto Mall, I would</p> <p>7 have one of our managers collect the</p> <p>8 commission sheets and then I would just</p> <p>9 tally it up. Then, I would submit it to, I</p> <p>10 believe it was -- I don't know which</p> <p>11 company, possibly ADP.</p> <p>12 Q. How about for Hillside Auto</p> <p>13 Outlet?</p> <p>14 A. Pretty much the same thing.</p> <p>15 They would collect commission sheets and I</p> <p>16 believe they would total everything and I</p> <p>17 just submitted the information.</p> <p>18 Q. How would they transmit those</p> <p>19 sheets; was it by email or in-person?</p> <p>20 A. Oh, I can't recall.</p> <p>21 Q. How would they submit those?</p> <p>22 A. Transmit.</p> <p>23 Q. Between 2018 and early 2020,</p> <p>24 were you on the payroll for both companies?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 23</p> <p>1 Deana Jennings</p> <p>2 Q. Besides hiring you, did Josh</p> <p>3 Aronson hire anyone else, and let's start</p> <p>4 from Hillside Auto Mall?</p> <p>5 A. No.</p> <p>6 Q. How about for Hillside Auto</p> <p>7 Outlet?</p> <p>8 A. If Josh hired people?</p> <p>9 Q. Other than yourself.</p> <p>10 The question is: did Josh Aronson hire</p> <p>11 anyone else besides you for Hillside Auto</p> <p>12 Outlet?</p> <p>13 A. No.</p> <p>14 Q. Did Hillside Auto Outlet own the</p> <p>15 premises or did it lease it?</p> <p>16 A. I believe it's leased.</p> <p>17 Q. How about for Hillside Auto</p> <p>18 Mall?</p> <p>19 A. Hillside Auto Mall is leased.</p> <p>20 Q. With respect to Josh Aronson,</p> <p>21 what are his job responsibilities as a</p> <p>22 shareholder for Hillside Auto Mall?</p> <p>23 MR. KATAEV: Objection as</p> <p>24 to relevance. You can</p> <p>25 answer.</p>
<p style="text-align: right;">Page 24</p> <p>1 Deana Jennings</p> <p>2 A. He is the operating member of</p> <p>3 Hillside Auto.</p> <p>4 Q. As the operating member, what</p> <p>5 are his responsibilities?</p> <p>6 A. Nothing much, Isaac handles all</p> <p>7 that.</p> <p>8 Q. How about Hillside Auto Outlet,</p> <p>9 what are his responsibilities?</p> <p>10 A. Whose responsibilities?</p> <p>11 Q. Josh Aronson.</p> <p>12 A. I thought you were asking me</p> <p>13 about Hillside Auto Outlet with the previous</p> <p>14 question. I'm sorry.</p> <p>15 Q. What are Josh Aronson's</p> <p>16 responsibilities at Hillside Auto Mall?</p> <p>17 A. He is our secretary, and he</p> <p>18 doesn't have any responsibilities within the</p> <p>19 dealership.</p> <p>20 Q. Earlier your response pertaining</p> <p>21 to the operating member of Hillside Auto,</p> <p>22 you were referring to his responsibilities</p> <p>23 as related to Hillside Auto Outlet; is that</p> <p>24 correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 Deana Jennings</p> <p>2 Q. So, Isaac who you saw yesterday</p> <p>3 on the Zoom, how are you familiar with him?</p> <p>4 A. He is the general manager and</p> <p>5 member of Hillside Auto Outlet.</p> <p>6 Q. Did Josh Aronson have the power</p> <p>7 to hire and fire for Hillside Auto Mall?</p> <p>8 A. I would say yes. Since he is an</p> <p>9 owner, but we have managers that handle</p> <p>10 those responsibilities within the</p> <p>11 dealership.</p> <p>12 Q. How about for Hillside Auto</p> <p>13 Outlet, did Josh Aronson have the power to</p> <p>14 hire and fire?</p> <p>15 A. Again, he is a member, so I</p> <p>16 would say he would have the ability to, and</p> <p>17 again, he has a team of people to do that</p> <p>18 for him.</p> <p>19 Q. Did you maintain the employee</p> <p>20 records for Hillside Auto Mall?</p> <p>21 A. Yes.</p> <p>22 Q. How about for Hillside Auto</p> <p>23 Outlet between 2018 and early 2020?</p> <p>24 A. Yes.</p> <p>25 Q. Earlier you mentioned the</p>

<p style="text-align: right;">Page 26</p> <p>1 Deana Jennings</p> <p>2 commission sheets. How are the commission</p> <p>3 sheets kept?</p> <p>4 A. At Auto Outlet or Auto Mall?</p> <p>5 Q. Let's start from Auto Mall and</p> <p>6 then we will move on to Auto Outlet.</p> <p>7 A. I would keep them in the</p> <p>8 employee file.</p> <p>9 Q. That file, is that a paper file</p> <p>10 or an electronic file?</p> <p>11 A. Paper.</p> <p>12 Q. When you say "employee file,"</p> <p>13 what category of employees are you talking</p> <p>14 about?</p> <p>15 A. I just had a folder with the</p> <p>16 employee's names and I would keep all of</p> <p>17 their commission sheets in that folder.</p> <p>18 Q. Let me sort of try to clarify my</p> <p>19 question. My question is: what type of</p> <p>20 employees would have an employee file with</p> <p>21 the commission sheets, was that all the</p> <p>22 employees or --</p> <p>23 A. Just the sales associates.</p> <p>24 Q. Would the business development</p> <p>25 center people have any employee files as</p>	<p style="text-align: right;">Page 27</p> <p>1 Deana Jennings</p> <p>2 well?</p> <p>3 A. Yes.</p> <p>4 Q. Were employee files kept for</p> <p>5 non-commission employees?</p> <p>6 A. I have an employee file for</p> <p>7 them, yes.</p> <p>8 Q. Was that for each employee that</p> <p>9 there is a separate file folder?</p> <p>10 A. Yes. Whoever is hired, they get</p> <p>11 a folder.</p> <p>12 Q. For how long are the records</p> <p>13 kept?</p> <p>14 A. I think I still have them.</p> <p>15 Q. Between 2008 and the present</p> <p>16 day, did you throw out any of the employee</p> <p>17 files?</p> <p>18 A. No.</p> <p>19 Q. Were any of the employee files</p> <p>20 missing or lost that you know of between</p> <p>21 2008 and the present day?</p> <p>22 A. Not to my knowledge.</p> <p>23 Q. Let's turn our attention to</p> <p>24 Hillside Auto Outlet. How are the employee</p> <p>25 records kept there?</p>
<p style="text-align: right;">Page 28</p> <p>1 Deana Jennings</p> <p>2 A. To the best of my knowledge,</p> <p>3 it's the same way. There is an employee</p> <p>4 folder.</p> <p>5 Q. Let's turn our attention now for</p> <p>6 a second to the car salespeople</p> <p>7 specifically, what would be in a typical car</p> <p>8 salesperson's employee folder?</p> <p>9 A. Driver's license, another form</p> <p>10 of identification, their social security,</p> <p>11 passport, the employee package. That would</p> <p>12 be the employee package, and they might have</p> <p>13 had a folder for commission sheets, Hillside</p> <p>14 Auto Mall had separate at that point.</p> <p>15 Q. You are saying that Hillside</p> <p>16 Auto Mall would have two folders, if it's</p> <p>17 for a car salesperson; one folder is with</p> <p>18 the driver's license, ID and the employee</p> <p>19 package and another folder is for the</p> <p>20 commission sheets?</p> <p>21 A. Yes.</p> <p>22 Q. To your knowledge, were the</p> <p>23 records ever lost or did you guys ever</p> <p>24 discard any records between 2018 and the</p> <p>25 present day?</p>	<p style="text-align: right;">Page 29</p> <p>1 Deana Jennings</p> <p>2 A. No. I think there was a law</p> <p>3 that you have to hold documentation for at</p> <p>4 least seven years before discarding it or</p> <p>5 shredding it.</p> <p>6 Q. Let's focus on commission sheets</p> <p>7 for a second. The commission sheets are</p> <p>8 filled out on a weekly basis; is that</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. The commission sheets that are</p> <p>12 filled out on a weekly basis, would that</p> <p>13 include what information, can you describe</p> <p>14 it for me?</p> <p>15 A. For Auto Mall?</p> <p>16 Q. Let's start from Auto Mall and</p> <p>17 then we will go to Auto Outlet.</p> <p>18 A. Okay. For Auto Mall, we have a</p> <p>19 sheet with the salesperson's name or the</p> <p>20 BDC, rep's name. It would list the amount</p> <p>21 of time, it would be the customer's name,</p> <p>22 possibly a partial VIN number, VIN number of</p> <p>23 the car that they purchased. Sometimes the</p> <p>24 date that it was sold.</p> <p>25 Q. Any other information that would</p>



<p style="text-align: right;">Page 30</p> <p>1 Deana Jennings</p> <p>2 be contained?</p> <p>3 A. That is pretty much it.</p> <p>4 Q. Would it include the sales price</p> <p>5 and the commission that the car salesperson</p> <p>6 would receive?</p> <p>7 A. Sometimes they would write it on</p> <p>8 there for me.</p> <p>9 Q. If it was not written on there</p> <p>10 for you, what would happen?</p> <p>11 A. I know their pay plan.</p> <p>12 Q. What was the pay plan for a</p> <p>13 Hillside Auto Mall?</p> <p>14 A. Hillside Auto Mall is 250</p> <p>15 salary, \$250 salary and 100 commission.</p> <p>16 Q. Would that \$100 commission be</p> <p>17 per car?</p> <p>18 A. Yes.</p> <p>19 Q. Was there any bonus structure at</p> <p>20 Hillside Auto Mall?</p> <p>21 A. No.</p> <p>22 Q. When you said that you would</p> <p>23 tally up the numbers, you would tally the</p> <p>24 number of cars sold and multiply it by the</p> <p>25 commission, then add the salary; is that</p>	<p style="text-align: right;">Page 31</p> <p>1 Deana Jennings</p> <p>2 correct?</p> <p>3 A. On the sheet, I would just tally</p> <p>4 up their commissions, and the salary was</p> <p>5 just standard.</p> <p>6 Q. So, when you would tally up the</p> <p>7 number, that would be the number of cars</p> <p>8 sold?</p> <p>9 A. Yes.</p> <p>10 Q. Once you tallied up the number</p> <p>11 of cars sold, you would then pass that</p> <p>12 information to a third party, whether that</p> <p>13 was ADP or some other company; is that</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Now let's turn your attention to</p> <p>17 Hillside Auto Outlet. Are the commission</p> <p>18 sheets the same or different from that of</p> <p>19 Hillside Auto Mall?</p> <p>20 A. It was pretty much the same,</p> <p>21 although they had a bookkeeper there and I</p> <p>22 would print out the name and they would tell</p> <p>23 me who gets paid this per week with the</p> <p>24 commission, what it was and whatnot.</p> <p>25 MR. KATAEV: Can you hang</p>
<p style="text-align: right;">Page 32</p> <p>1 Deana Jennings</p> <p>2 on one second, Tiffany?</p> <p>3 MS. TROY: Yes.</p> <p>4 (A recess was taken from</p> <p>5 10:41 until 10:43)</p> <p>6 MS. TROY: Are you ready</p> <p>7 to continue?</p> <p>8 MR. KATAEV: Ready to</p> <p>9 continue. Thank you.</p> <p>10 MS. TROY: I believe your</p> <p>11 client was responding --</p> <p>12 MR. KATAEV: I thought she</p> <p>13 was done.</p> <p>14 Q. Did you finish what you were</p> <p>15 saying?</p> <p>16 A. Okay. I did not finish my</p> <p>17 thought.</p> <p>18 Q. Perfect, go ahead.</p> <p>19 A. (Continuing) I have a printout</p> <p>20 of the payroll screen with the employee's</p> <p>21 names and they would write it for me to make</p> <p>22 it easier. They did 2 separate entries the</p> <p>23 same day to make it easier for me.</p> <p>24 Q. What was the pay plan at</p> <p>25 Hillside Auto Outlet?</p>	<p style="text-align: right;">Page 33</p> <p>1 Deana Jennings</p> <p>2 A. The paid plan for Outlet was, I</p> <p>3 believe 300 commission, 300 salary and 150</p> <p>4 commission.</p> <p>5 Q. Was there a bonus structure of 5</p> <p>6 percent at any time while you were working</p> <p>7 as the controller?</p> <p>8 MR. KATAEV: Objection.</p> <p>9 Vague. You can answer.</p> <p>10 A. I believe they did have a bonus</p> <p>11 structure at Outlet, Hillside Auto Outlet.</p> <p>12 Q. On the commission sheet for</p> <p>13 Hillside Auto Outlet salespeople, what would</p> <p>14 the tally look like?</p> <p>15 A. I can't recall that far back.</p> <p>16 It's just should be just the full amount,</p> <p>17 what the specific salesperson or employee</p> <p>18 was getting paid that week.</p> <p>19 Q. To your knowledge, was Leticia's</p> <p>20 folder like the two folders that you talked</p> <p>21 about, are they still there at Hillside Auto</p> <p>22 Outlet?</p> <p>23 A. I can't recall.</p> <p>24 Q. You mentioned that Isaac was the</p> <p>25 manager for Hillside Auto Outlet; as the</p>

<p style="text-align: right;">Page 34</p> <p>1 Deana Jennings</p> <p>2 manager, did he have the power to hire and</p> <p>3 fire?</p> <p>4 A. The general manager, yes, he had</p> <p>5 the ability to hire and fire, yes.</p> <p>6 Q. Let's backtrack for second was</p> <p>7 the pay for Hillside Auto Mall employees</p> <p>8 only dependent upon the number of cars sold?</p> <p>9 A. Can you rephrase your question?</p> <p>10 Q. Sure. How was the pay for</p> <p>11 Hillside Auto Mall employees computed, and</p> <p>12 I'm talking specifically about the car</p> <p>13 salespeople?</p> <p>14 A. How was it recorded?</p> <p>15 Q. Yes, correct.</p> <p>16 A. I don't recall commission</p> <p>17 sheets, might have had a blackboard in the</p> <p>18 office, possibly a CRM.</p> <p>19 Q. Just so the record is clear,</p> <p>20 what is an "crm?"</p> <p>21 A. That is the platform and I don't</p> <p>22 know exactly what it stands for. But, the</p> <p>23 platform for specific company, it could be</p> <p>24 advertising or different companies.</p> <p>25 Q. You were talking about the</p>	<p style="text-align: right;">Page 35</p> <p>1 Deana Jennings</p> <p>2 Blackboard in the office, what would that</p> <p>3 Blackboard contain, what information would</p> <p>4 it contain?</p> <p>5 A. To my knowledge, it could have</p> <p>6 had the salespeople's names and tally of how</p> <p>7 many deals and that could be confusing,</p> <p>8 Hillside Auto Mall.</p> <p>9 Q. Did either Hillside Auto Mall or</p> <p>10 Hillside Outlet have its time clock?</p> <p>11 A. Hillside Auto Mall does not have</p> <p>12 one, and I don't recall if Auto Outlet had a</p> <p>13 time clock.</p> <p>14 Q. Did the salespeople's weekly</p> <p>15 salary depend on the number of hours that</p> <p>16 they worked?</p> <p>17 A. To the best of my knowledge, no.</p> <p>18 Q. Are you familiar with an</p> <p>19 individual Susan Zhivo Z-H-I-V-O?</p> <p>20 A. Yes.</p> <p>21 Q. How are you familiar with her?</p> <p>22 A. She is the controller at</p> <p>23 Hillside Auto Outlet.</p> <p>24 Q. Was she your successor?</p> <p>25 MR. KATAEV: Objection to</p>
<p style="text-align: right;">Page 36</p> <p>1 Deana Jennings</p> <p>2 the form on that one.</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall when she began</p> <p>5 working at Hillside Auto Outlet?</p> <p>6 A. I believe 2020.</p> <p>7 Q. To your knowledge, are her</p> <p>8 responsibilities the same as yours?</p> <p>9 A. To my knowledge, yes.</p> <p>10 Q. Are you familiar with David</p> <p>11 Barron, the late David Barron?</p> <p>12 A. Yes.</p> <p>13 Q. What were his responsibilities,</p> <p>14 and let's start at Hillside Auto Mall?</p> <p>15 A. He is -- he was the Vice</p> <p>16 President of Hillside Auto Mall, but no</p> <p>17 responsibilities within the dealership.</p> <p>18 Q. How about at Hillside Auto</p> <p>19 Outlet?</p> <p>20 A. David was a member of Hillside</p> <p>21 Auto Outlet, same thing, no responsibilities</p> <p>22 within the dealership.</p> <p>23 Q. Are you familiar with Jory</p> <p>24 Baron?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 37</p> <p>1 Deana Jennings</p> <p>2 Q. What are his responsibilities at</p> <p>3 Hillside Auto Mall?</p> <p>4 A. Hillside Auto Mall?</p> <p>5 Q. Correct.</p> <p>6 A. Jory is not connected to</p> <p>7 Hillside Auto Mall.</p> <p>8 Q. How about Hillside Auto Outlet?</p> <p>9 A. He is also a member.</p> <p>10 Q. What are his responsibilities?</p> <p>11 A. He would -- he does -- I</p> <p>12 remember just maybe signing checks weekly,</p> <p>13 nothing pertaining to like daily activities</p> <p>14 within the dealership.</p> <p>15 Q. Did Isaac also have the power to</p> <p>16 sign checks at Hillside Auto Outlet?</p> <p>17 A. No.</p> <p>18 Q. Besides Jory, is there anyone</p> <p>19 else that has the authority to sign checks</p> <p>20 for a Hillside Auto Outlet?</p> <p>21 A. To the best of my knowledge, I</p> <p>22 believe Josh Aronson and David Barron.</p> <p>23 Q. Are you familiar with Raymond</p> <p>24 Phelan P-H-E-L-A-N?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 38</p> <p>1 Deana Jennings</p> <p>2 Q. What are his responsibilities at</p> <p>3 Hillside Auto Mall?</p> <p>4 A. Raymond specifically is the</p> <p>5 treasurer and he is pretty much like the</p> <p>6 general manager. He is at the dealership</p> <p>7 every day and he oversees everything and he</p> <p>8 hires and fires.</p> <p>9 Q. Does Ray Phelan have any</p> <p>10 connection with Hillside Auto Outlet?</p> <p>11 A. No.</p> <p>12 Q. Is it fair to say that each of</p> <p>13 the owners, meaning the late David Barron,</p> <p>14 Josh Aronson, Jory Baron and Isaac Thanwalla</p> <p>15 had the power to hire and fire at Hillside</p> <p>16 Auto Outlet?</p> <p>17 MR. KATAEV: Objection.</p> <p>18 Compounds and calls for legal</p> <p>19 conclusion. You can answer</p> <p>20 the question.</p> <p>21 A. Can you repeat the names again,</p> <p>22 please?</p> <p>23 MS. TROY: Sure. Ms.</p> <p>24 Court reporter, if you don't</p> <p>25 mind reading back the last</p>	<p style="text-align: right;">Page 39</p> <p>1 Deana Jennings</p> <p>2 question.</p> <p>3 (The reporter read back the</p> <p>4 last question)</p> <p>5 A. Yes.</p> <p>6 Q. Is it fair to say that each of</p> <p>7 the members, meaning Ronald, Baron, Ronald</p> <p>8 Baron, the late David Baron, Josh Aronson</p> <p>9 and Raymond Phelan had have or had the power</p> <p>10 to hire and fire at Hillside Auto Mall?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know who signed the lease</p> <p>13 on behalf of Hillside Auto Outlet?</p> <p>14 MR. KATAEV: Objection to</p> <p>15 relevance. You can answer.</p> <p>16 A. I don't recall.</p> <p>17 Q. How about for Hillside Auto</p> <p>18 Mall?</p> <p>19 A. Do you mean the original lease</p> <p>20 back in 2008?</p> <p>21 Q. Yes.</p> <p>22 A. I wouldn't know that far back.</p> <p>23 Q. How about the current lease?</p> <p>24 A. The current lease for Hillside</p> <p>25 Auto Mall was signed by Josh Aronson.</p>
<p style="text-align: right;">Page 40</p> <p>1 Deana Jennings</p> <p>2 Q. Going to backtrack for a second,</p> <p>3 who incorporated Hillside Auto Mall, Inc?</p> <p>4 A. I wouldn't know, I wasn't</p> <p>5 employed there when they opened up.</p> <p>6 Q. When was that, was that in 2006</p> <p>7 or --</p> <p>8 A. 2005 or 2006.</p> <p>9 Q. Who filed the articles of</p> <p>10 incorporation for 161-10 Hillside Auto</p> <p>11 Avenue LLC?</p> <p>12 A. Who filed the articles of</p> <p>13 incorporation?</p> <p>14 A. I wouldn't know that without my</p> <p>15 records.</p> <p>16 Q. Are you familiar with whether</p> <p>17 Hillside Auto Mall, whether at the time of</p> <p>18 its incorporation, any attorneys were</p> <p>19 consulted?</p> <p>20 A. When they first opened up</p> <p>21 Hillside Auto Mall?</p> <p>22 Q. Correct.</p> <p>23 A. I was not employed at that time,</p> <p>24 so I wouldn't know.</p> <p>25 Q. How about for 161-10 Hillside</p>	<p style="text-align: right;">Page 41</p> <p>1 Deana Jennings</p> <p>2 Auto Avenue LLC, at the time when that was</p> <p>3 formed, did any member consult with an</p> <p>4 attorney?</p> <p>5 A. I wouldn't know without my</p> <p>6 records.</p> <p>7 Q. Do you know who was the signer</p> <p>8 for the current lease of Hillside Auto</p> <p>9 Outlet?</p> <p>10 A. No.</p> <p>11 Q. What is the name of the landlord</p> <p>12 for Hillside Auto Mall?</p> <p>13 A. Hillside Auto Mall?</p> <p>14 Q. Right.</p> <p>15 MR. KATAEV: Objection as</p> <p>16 to relevance. You can</p> <p>17 answer.</p> <p>18 A. Eldee E -L-D-E -E Auto Sales.</p> <p>19 Q. For Hillside Auto Outlet, who is</p> <p>20 the landlord?</p> <p>21 A. I can't think of the name, I</p> <p>22 believe to the best of my knowledge, the</p> <p>23 Estate of Ezekiel E-Z-E-K-I-E-L Koeppel. K-O</p> <p>24 -E-- P -P-E- L. That is when I was employed</p> <p>25 there and I don't know if they switched</p>

<p style="text-align: right;">Page 42</p> <p>1 Deana Jennings</p> <p>2 landlords from 2020 until now.</p> <p>3 Q. Who sets the pay plan or the pay</p> <p>4 structure, and let's start from Hillside</p> <p>5 Auto Mall?</p> <p>6 A. Majority of the time, it is</p> <p>7 Raymond Phelan.</p> <p>8 Q. How about for Hillside Auto</p> <p>9 Outlet?</p> <p>10 A. Isaac.</p> <p>11 Q. Were you ever present at sales</p> <p>12 meetings between Jory Baron and Ishaque</p> <p>13 Thanwalla?</p> <p>14 A. Sales meetings?</p> <p>15 Q. Or, like weekly or monthly</p> <p>16 meetings.</p> <p>17 A. No.</p> <p>18 Q. To your knowledge, what, if any,</p> <p>19 posters are posted at Hillside Auto Mall?</p> <p>20 A. We have the Labor Law posters,</p> <p>21 we have the Consumer Affairs poster, we have</p> <p>22 Covid posters until recently. That is</p> <p>23 pretty much what I can think of off the top</p> <p>24 of my head.</p> <p>25 Q. The Labor Law posters, what was</p>	<p style="text-align: right;">Page 43</p> <p>1 Deana Jennings</p> <p>2 the year that it was first posted at</p> <p>3 Hillside Auto Mall?</p> <p>4 A. I wouldn't know, I became</p> <p>5 employed by Hillside Auto Mall in 2008. So,</p> <p>6 maybe 6 years after they opened.</p> <p>7 Q. Where is the Labor Law poster</p> <p>8 posted?</p> <p>9 A. On the wall in the main trailer.</p> <p>10 Q. What does the Labor Law poster</p> <p>11 look like?</p> <p>12 A. (It's a poster) and I don't know</p> <p>13 how to describe it. It has the minimum wage</p> <p>14 on it, and it is in blue, thus there is a</p> <p>15 year Asha, there is the minimum wage and it</p> <p>16 is Spanish and it is it also, and it is</p> <p>17 laminated.</p> <p>18 Q. How about at Hillside Auto</p> <p>19 Outlet, were there posters?</p> <p>20 A. Yes.</p> <p>21 MR. KATAEV: For the</p> <p>22 record, your description was</p> <p>23 pretty good. Just joking.</p> <p>24 Q. For Hillside Auto Outlet, when</p> <p>25 was the first time when the poster was</p>
<p style="text-align: right;">Page 44</p> <p>1 Deana Jennings</p> <p>2 posted?</p> <p>3 A. I can't recall the date that</p> <p>4 they hung it up.</p> <p>5 Q. Was it the day when you started</p> <p>6 working or sometime after?</p> <p>7 A. I can't recall.</p> <p>8 Q. Do you recall where it was</p> <p>9 posted within the Outlet?</p> <p>10 A. If my memory serves me right, on</p> <p>11 the wall in between the main trailer and the</p> <p>12 office. But, if my memory serves me right,</p> <p>13 they might have moved them.</p> <p>14 Q. How many bank accounts did</p> <p>15 Hillside Auto Mall have?</p> <p>16 A. What year?</p> <p>17 Q. Let's start from right now.</p> <p>18 A. Now, Hillside Auto Mall has 3.</p> <p>19 Q. Let's walk back to 2018, how</p> <p>20 many bank accounts did it have back then?</p> <p>21 A. I believe in 2018, I think</p> <p>22 probably 3 at that point as well, as far as</p> <p>23 I can recall.</p> <p>24 Q. Do you recall at which bank?</p> <p>25 A. We have JPMorgan Chase &amp; Co and</p>	<p style="text-align: right;">Page 45</p> <p>1 Deana Jennings</p> <p>2 TD Bank.</p> <p>3 Q. How about for Hillside Auto</p> <p>4 Outlet, how many bank accounts does it have</p> <p>5 currently?</p> <p>6 A. Currently, I wouldn't know.</p> <p>7 Q. Right before you left in 2020,</p> <p>8 how many bank accounts did it have?</p> <p>9 A. I believe they had 4, might have</p> <p>10 been 3 due to fraudulent transactions.</p> <p>11 Maybe 3 or 4.</p> <p>12 Q. Which bank was it --</p> <p>13 A. In 2018 to 2020, I believe it</p> <p>14 was just JPMorgan Chase.</p> <p>15 Q. Who had the authority to</p> <p>16 withdraw money from Hillside Auto Mall's</p> <p>17 bank account?</p> <p>18 MR. KATAEV: Objection as</p> <p>19 to relevance. Also, all of</p> <p>20 these financial questions</p> <p>21 were decided in the Motion,</p> <p>22 and I instruct the witness on</p> <p>23 the basis on that basis not</p> <p>24 to answer the question.</p> <p>25 MS. TROY: The judge</p>

<p style="text-align: right;">Page 46</p> <p>1 Deana Jennings</p> <p>2 stated in a very specific</p> <p>3 reason with respect to</p> <p>4 discovery and financial</p> <p>5 information. If I can have</p> <p>6 your commitment that because</p> <p>7 of discovery, and I believe</p> <p>8 it closes on March 24th, I</p> <p>9 don't believe that this stage</p> <p>10 of discovery is now</p> <p>11 different. If you are</p> <p>12 instructing your witness not</p> <p>13 to answer on the basis of the</p> <p>14 order of the motion to</p> <p>15 compel, maybe you are</p> <p>16 subjecting your witness to a</p> <p>17 second deposition.</p> <p>18 MR. KATAEV: I believe</p> <p>19 that we should actually do</p> <p>20 this off the record.</p> <p>21 MS. TROY: We can keep it</p> <p>22 on the record, just this</p> <p>23 portion.</p> <p>24 MR. KATAEV: Okay. What I</p> <p>25 think we can do is in the</p>	<p style="text-align: right;">Page 47</p> <p>1 Deana Jennings</p> <p>2 event that the judge decides</p> <p>3 that the question was proper,</p> <p>4 I am comfortable submitting</p> <p>5 interrogatory responses</p> <p>6 unless the court orders her</p> <p>7 to come back for another</p> <p>8 deposition.</p> <p>9 MS TROY: That is fine.</p> <p>10 MR. KATAEV: Thank you for</p> <p>11 that.</p> <p>12 Q. Who had the authority to</p> <p>13 withdraw money from Hillside Auto Outlet's</p> <p>14 bank account?</p> <p>15 MR. KATAEV: Same</p> <p>16 objection and same</p> <p>17 instruction on that.</p> <p>18 A. (No response per her attorney)</p> <p>19 Q. Roughly how many cars on-average</p> <p>20 does Hillside Auto Mall sell?</p> <p>21 A. It's a tough industry right now,</p> <p>22 between maybe 30 and 50, depending on the</p> <p>23 economy and the market.</p> <p>24 Q. Back in 2018 and 2019, how many</p> <p>25 cars were sold?</p>
<p style="text-align: right;">Page 48</p> <p>1 Deana Jennings</p> <p>2 A. I wouldn't know off the top of</p> <p>3 my head without my records. I'm sorry.</p> <p>4 Q. What records, if any, would</p> <p>5 include the number of cars sold by the</p> <p>6 dealership?</p> <p>7 A. Would it show how many cars were</p> <p>8 sold by the dealership?</p> <p>9 Q. Correct. For instance, for</p> <p>10 Hillside Auto Mall, what records would show</p> <p>11 the number of cars sold back in 2018 and</p> <p>12 2019?</p> <p>13 A. Our computer system.</p> <p>14 Q. Is that computer system the same</p> <p>15 or different from VIN Solutions?</p> <p>16 A. It's different.</p> <p>17 Q. Can you describe for me the</p> <p>18 computer system, what type, what kind of</p> <p>19 data is included?</p> <p>20 A. It is our operating system and</p> <p>21 it has the deals for the vehicles that were</p> <p>22 sold, that is the accounting and it has</p> <p>23 vehicle information.</p> <p>24 Q. How about for Hillside Auto</p> <p>25 Outlet, right before you left, how many cars</p>	<p style="text-align: right;">Page 49</p> <p>1 Deana Jennings</p> <p>2 were sold per-month?</p> <p>3 A. I wouldn't know offhand without</p> <p>4 my records. I'm sorry.</p> <p>5 Q. Did you review at all the sales</p> <p>6 records in preparation for today's</p> <p>7 deposition, and specifically the sales</p> <p>8 records for Hillside Auto Outlet between</p> <p>9 2018 and 2019?</p> <p>10 A. I believe so.</p> <p>11 Q. When you say that you "believe</p> <p>12 so," do you mean yes, you did?</p> <p>13 A. I reviewed a lot of documents</p> <p>14 and I can't recall if it was specifically</p> <p>15 her information or her computer sheets.</p> <p>16 Q. Did you review her computer</p> <p>17 sheets in preparation for today's</p> <p>18 deposition?</p> <p>19 A. I can't recall if I saw them in</p> <p>20 the documents that I reviewed.</p> <p>21 Q. On-average, how much would each</p> <p>22 car sell for?</p> <p>23 MR. KATAEV: Objection.</p> <p>24 Vague, but you can answer.</p> <p>25 A. I don't know what she sold the</p>



<p style="text-align: right;">Page 50</p> <p>1 Deana Jennings</p> <p>2 vehicles for, a lot goes into the year,</p> <p>3 make, model and mileage.</p> <p>4 Q. How about on-average?</p> <p>5 A. I would not be able to come up</p> <p>6 with a figure for that.</p> <p>7 Q. Are you familiar with the</p> <p>8 working schedule for and let's start from</p> <p>9 Hillside Auto Mall employees?</p> <p>10 A. Yes.</p> <p>11 Q. What was the working schedule?</p> <p>12 A. What year do you mean, going</p> <p>13 back to when?</p> <p>14 Q. Let's start from 2017.</p> <p>15 A. The employees at Auto Mall</p> <p>16 usually would work -- the schedule would</p> <p>17 always change, but it used to be six days</p> <p>18 with two days off per week and it would</p> <p>19 rotate sometimes. Now, we are down to maybe</p> <p>20 they do probably five days, one day off,</p> <p>21 rotating on Sundays, possibly and I don't</p> <p>22 really handle scheduling.</p> <p>23 Q. Who handled scheduling for</p> <p>24 Hillside Auto Mall?</p> <p>25 A. Raymond Phelan.</p>	<p style="text-align: right;">Page 51</p> <p>1 Deana Jennings</p> <p>2 Q. Was the schedule the same in</p> <p>3 2016?</p> <p>4 A. I can't recall that far back.</p> <p>5 Q. How about for Hillside Auto Mall</p> <p>6 in 2018, was it also six days a week with</p> <p>7 alternating Sundays off?</p> <p>8 A. I can't recall that far back.</p> <p>9 Q. What can you recall in terms of</p> <p>10 the schedule at Hillside Auto Outlet?</p> <p>11 A. Auto Outlet?</p> <p>12 Q. Yes.</p> <p>13 A. Ishaque handled the scheduling,</p> <p>14 so I don't know.</p> <p>15 Q. When was the start time for</p> <p>16 Hillside Auto Mall employees?</p> <p>17 A. I wouldn't know, I didn't have</p> <p>18 anything to do with the scheduling or what</p> <p>19 time people started.</p> <p>20 Q. What about the end time, are you</p> <p>21 familiar with the end time?</p> <p>22 A. No.</p> <p>23 Q. Are you familiar with start time</p> <p>24 or end time at Hillside Auto Outlet?</p> <p>25 A. For the hours of actual</p>
<p style="text-align: right;">Page 52</p> <p>1 Deana Jennings</p> <p>2 operation or the salesperson's start and end</p> <p>3 time?</p> <p>4 Q. Let's start from the salesperson</p> <p>5 start and end time.</p> <p>6 A. I don't know how Isaac set their</p> <p>7 schedule up.</p> <p>8 Q. Now, let's turn to the hours of</p> <p>9 operation; what was the start and end time</p> <p>10 for the hours of operation?</p> <p>11 A. If my memory serves me</p> <p>12 correctly, it was 10 to maybe -- maybe 10 to</p> <p>13 7 or 8.</p> <p>14 Q. Besides yourself and the</p> <p>15 bookkeeper that you mentioned earlier, was</p> <p>16 there anyone else who would calculate the</p> <p>17 employee's pay at either Hillside Auto Mall</p> <p>18 or Hillside Auto Outlet?</p> <p>19 A. Hillside Auto Mall was only me,</p> <p>20 and Hillside Auto Outlet, I don't know if</p> <p>21 anyone else tallied it up, but the</p> <p>22 bookkeeper would give it to me and I would</p> <p>23 assume she was the one that tallied up the</p> <p>24 information in the computers for that week.</p> <p>25 Q. Is that bookkeeper that you</p>	<p style="text-align: right;">Page 53</p> <p>1 Deana Jennings</p> <p>2 mentioned, did that bookkeeper change?</p> <p>3 A. Yes.</p> <p>4 Q. What are the names of the</p> <p>5 bookkeepers that you still recall the names</p> <p>6 for?</p> <p>7 A. All I remember, one name is Asha</p> <p>8 and the other two I don't know their names</p> <p>9 without my records.</p> <p>10 MS. TROY: So, I'm going</p> <p>11 to leave a blank for the two</p> <p>12 names.</p> <p>13 (Insert)</p> <p>14 (Insert)</p> <p>15 Q. Can you give the name that you</p> <p>16 recall right now?</p> <p>17 A. Asha A-S-H-A.</p> <p>18 Q. Do you have her last name?</p> <p>19 A. No. Not without my records.</p> <p>20 MS. TROY: We will leave a</p> <p>21 blank for you to look into</p> <p>22 your records and fill in the</p> <p>23 last name.</p> <p>24</p> <p>25</p>



<p style="text-align: right;">Page 54</p> <p>1 Deana Jennings</p> <p>2</p> <p>3 (Insert)</p> <p>4 Q. How many people work for</p> <p>5 Hillside Auto Mall at any one time?</p> <p>6 A. How many people work at Auto</p> <p>7 Mall at any one given time? It varies.</p> <p>8 Q. Let's take a day, let's say a</p> <p>9 weekend day, how many people would be there?</p> <p>10 A. Oh, I'm sorry. I thought you</p> <p>11 meant in general how many people were part</p> <p>12 of the employment staff. You just mean</p> <p>13 daily?</p> <p>14 Q. Yes.</p> <p>15 A. We could have all together the</p> <p>16 sales people, me, a porter, 5 or 6. Again,</p> <p>17 we had more employees throughout the years,</p> <p>18 some years we had less employees and I can't</p> <p>19 give you an accurate answer on that one.</p> <p>20 Q. How about back in 2006, how many</p> <p>21 people would be working at Hillside Auto</p> <p>22 Mall on any given day?</p> <p>23 A. Giving an example, maybe 10 or</p> <p>24 12 or 13.</p> <p>25 Q. How about for Hillside Auto</p>	<p style="text-align: right;">Page 55</p> <p>1 Deana Jennings</p> <p>2 Outlet? And let's start from 2018.</p> <p>3 A. I wouldn't know without my</p> <p>4 records.</p> <p>5 Q. How about in 2020, right before</p> <p>6 you left, how many people would be working</p> <p>7 at Hillside Auto Outlet on any given day?</p> <p>8 A. I wouldn't know without my</p> <p>9 records.</p> <p>10 Q. Besides yourself, did anyone</p> <p>11 else work between Hillside Auto Outlet and</p> <p>12 Hillside Auto Mall at the same time?</p> <p>13 A. No.</p> <p>14 Q. To your knowledge, if a car is</p> <p>15 not in stock, it is not present at Hillside</p> <p>16 Auto Outlet lot, would the car salespeople</p> <p>17 come over to Hillside Auto Mall to show cars</p> <p>18 there?</p> <p>19 A. Very seldom did it happen, but</p> <p>20 we had a few other car dealerships on</p> <p>21 Hillside Avenue. So, we had a variety and</p> <p>22 we usually, if the customer wanted a</p> <p>23 specific car, we would look and see who had</p> <p>24 the car in inventory, Hillside Auto Mall or</p> <p>25 Hillside Auto Outlet or previous dealerships</p>
<p style="text-align: right;">Page 56</p> <p>1 Deana Jennings</p> <p>2 around, such as auctions or dealerships out</p> <p>3 of state.</p> <p>4 Q. Are you familiar with the</p> <p>5 plaintiff in this case Leticia Stidhum?</p> <p>6 A. Yes.</p> <p>7 Q. How are you familiar with her?</p> <p>8 A. She was employed at Hillside</p> <p>9 Auto Outlet.</p> <p>10 Q. Do you have any knowledge about</p> <p>11 her working schedule?</p> <p>12 A. I do not.</p> <p>13 Q. Do you have any knowledge about</p> <p>14 her work performance?</p> <p>15 A. From what I have heard, she was</p> <p>16 a very good salesperson, maybe one of the</p> <p>17 top salespeople, monthly.</p> <p>18 Q. Where did you hear that from?</p> <p>19 A. Probably Isaac.</p> <p>20 Q. To your knowledge, was she ever</p> <p>21 disciplined?</p> <p>22 A. I wouldn't know, I wouldn't be</p> <p>23 part of that. So, I can't give you an</p> <p>24 answer on that one. I am not part of the</p> <p>25 disciplinary action department.</p>	<p style="text-align: right;">Page 57</p> <p>1 Deana Jennings</p> <p>2 Q. Who was part of the</p> <p>3 "disciplinary action department?"</p> <p>4 A. Isaac handled that.</p> <p>5 MR. KATAEV: Objection to</p> <p>6 the form.</p> <p>7 Q. Did Hillside Auto Mall and/or</p> <p>8 Hillside Auto Outlet have any policies about</p> <p>9 keeping track of employee performances?</p> <p>10 A. I wouldn't know off the top of</p> <p>11 my head.</p> <p>12 Q. Were the employee photos that</p> <p>13 you previously described for us, was there</p> <p>14 ever a time there would be a performance</p> <p>15 evaluation there in that set of records?</p> <p>16 A. Hillside Auto Mall, no, Hillside</p> <p>17 Auto Outlet, I wouldn't know.</p> <p>18 Q. Are you familiar with a DMV</p> <p>19 clerk who worked for Hillside Auto Outlet</p> <p>20 whose first name is Lily?</p> <p>21 A. No.</p> <p>22 Q. Do you know that Lily left</p> <p>23 Hillside Auto Outlet while pregnant and that</p> <p>24 she believed that she was terminated as a</p> <p>25 result of her pregnancy?</p>

<p style="text-align: right;">Page 58</p> <p>1 Deana Jennings</p> <p>2 MR. KATAEV: Objection as</p> <p>3 to relevance and it's a</p> <p>4 compound question. You can</p> <p>5 answer the question.</p> <p>6 A. I don't even recall who Lily</p> <p>7 was. So, I don't know anything about it,</p> <p>8 really.</p> <p>9 MR. KATAEV: Also</p> <p>10 objection to that as it calls</p> <p>11 for a state of mind of</p> <p>12 another person.</p> <p>13 MS. TROY: Let's go off</p> <p>14 the record.</p> <p>15 (A discussion was held off</p> <p>16 the record).</p> <p>17 Q. You mentioned that the BDC also</p> <p>18 had employees folders, was that one folder</p> <p>19 or two folders at Hillside Auto Outlet?</p> <p>20 A. I don't recall.</p> <p>21 Q. Is it fair to say that if an</p> <p>22 individual was at Hillside Auto Outlet that</p> <p>23 that record would include, their records</p> <p>24 would be in the employee files?</p> <p>25 A. Their employment package and</p>	<p style="text-align: right;">Page 59</p> <p>1 Deana Jennings</p> <p>2 their application would be in there, in that</p> <p>3 employee file. I don't recall how they</p> <p>4 filed commission sheets or how they kept</p> <p>5 them in the folders or whatnot at Hillside</p> <p>6 Auto Mall. There were two separate folders</p> <p>7 there.</p> <p>8 Q. To your knowledge, was there any</p> <p>9 fixed break time for the employees at either</p> <p>10 Hillside Auto Outlet or Hillside Auto Mall?</p> <p>11 A. No, they could just take a break</p> <p>12 whenever they wanted.</p> <p>13 Q. Could you tell what type of</p> <p>14 employee a person is by looking at a pay</p> <p>15 stub and seeing how much that person had</p> <p>16 made as a base wage as well as the flat</p> <p>17 commission that you were talking about;</p> <p>18 specifically, I'm talking about Hillside</p> <p>19 Auto Outlet.</p> <p>20 MR. KATAEV: Objection to</p> <p>21 the form, as its compound.</p> <p>22 You can answer.</p> <p>23 A. That's a lot of question. You</p> <p>24 could see who is more veteran in the sales</p> <p>25 department, and -- you could tell if</p>
<p style="text-align: right;">Page 60</p> <p>1 Deana Jennings</p> <p>2 somebody just started, the top sales for the</p> <p>3 company, it tells that, and then you really</p> <p>4 can't gauge it precisely with numbers.</p> <p>5 Q. Were there any car salespeople</p> <p>6 who were paid a base pay of \$350 per week?</p> <p>7 A. I can't answer that without my</p> <p>8 records.</p> <p>9 Q. How about a weekly pay of \$500.</p> <p>10 A. That might have been -- again, I</p> <p>11 wouldn't know the correct answer without my</p> <p>12 records.</p> <p>13 Q. Are you familiar with an</p> <p>14 individual known as Andris Guzman?</p> <p>15 A. Yes.</p> <p>16 Q. How are you familiar with him?</p> <p>17 A. He was employed at Hillside Auto</p> <p>18 Outlet.</p> <p>19 Q. What was his performance as a</p> <p>20 sales manager/or general sales manager at</p> <p>21 Hillside Auto Outlet?</p> <p>22 A. I wouldn't know, but I heard</p> <p>23 good things about him.</p> <p>24 Q. What did you hear?</p> <p>25 A. Professional, helping everybody</p>	<p style="text-align: right;">Page 61</p> <p>1 Deana Jennings</p> <p>2 out, jumping in and got the job done.</p> <p>3 Q. Were you at Hillside Auto Outlet</p> <p>4 when Leticia Stidhum brought in a sonogram</p> <p>5 and announced that she was pregnant?</p> <p>6 A. No.</p> <p>7 MR. KATAEV: Objection.</p> <p>8 Assuming facts not in</p> <p>9 evidence.</p> <p>10 Q. When was the first day when you</p> <p>11 heard that Leticia was pregnant?</p> <p>12 MR. KATAEV: Objection.</p> <p>13 It assumes facts not in</p> <p>14 evidence. You can answer the</p> <p>15 question.</p> <p>16 A. I can't recall that long ago.</p> <p>17 Q. Do you recall if at the time</p> <p>18 when you found out that Leticia was</p> <p>19 pregnant, if she was still employed by</p> <p>20 Hillside Auto Outlet.</p> <p>21 MR. KATAEV: Same</p> <p>22 objection. You can answer.</p> <p>23 A. I believe she was pregnant and</p> <p>24 still employed at Hillside Auto Outlet.</p> <p>25 Q. How did you find out?</p>

<p style="text-align: right;">Page 62</p> <p>1 Deana Jennings</p> <p>2 A. About her pregnancy?</p> <p>3 Q. Correct?</p> <p>4 A. I can't recall. I don't know if</p> <p>5 I heard it from her when I was there one</p> <p>6 day, I don't recall.</p> <p>7 Q. Besides yourself, who else knew</p> <p>8 about her pregnancy?</p> <p>9 MR. KATAEV: Objection.</p> <p>10 Q. (Continuing) My timing is while</p> <p>11 she was still employed at Hillside Auto</p> <p>12 Outlet.</p> <p>13 MR. KATEV: Objection.</p> <p>14 Calls for a state of mind of</p> <p>15 another person. You can</p> <p>16 answer.</p> <p>17 A. I don't know exactly who now,</p> <p>18 who she told.</p> <p>19 Q. Was Isaac aware?</p> <p>20 A. I'm sure he was.</p> <p>21 Q. Why do you say that?</p> <p>22 MR. KATAEV: Same</p> <p>23 Objection.</p> <p>24 A. Because he was the general</p> <p>25 manager. You just mentioned that she</p>	<p style="text-align: right;">Page 63</p> <p>1 Deana Jennings</p> <p>2 brought in the sonogram to the dealership,</p> <p>3 Isaac worked seven days a week.</p> <p>4 Q. How about Andris Guzman, did he</p> <p>5 know of Leticia's pregnancy, to your</p> <p>6 knowledge?</p> <p>7 A. I don't know if he was aware</p> <p>8 when she became pregnant.</p> <p>9 Q. Did you look at her sales or</p> <p>10 commissions and compare her sales before and</p> <p>11 after the pregnancy announcement?</p> <p>12 A. No.</p> <p>13 Q. I'm showing you a series of</p> <p>14 documents, Plaintiff's Exhibit 2. It is</p> <p>15 page 1251, and it's the 1099 compensation or</p> <p>16 a week is \$2,500. Do you know who this</p> <p>17 individual is?</p> <p>18 A. I can't recall.</p> <p>19 Q. Do you know what position this</p> <p>20 person is in?</p> <p>21 MR. KATAEV: Objection as</p> <p>22 to relevance. You can</p> <p>23 answer.</p> <p>24 A. No.</p> <p>25 Q. We're on page 1252, this</p>
<p style="text-align: right;">Page 64</p> <p>1 Deana Jennings</p> <p>2 individual was paid \$650 a week. Do you</p> <p>3 know what position this individual is in?</p> <p>4 A. No.</p> <p>5 Q. Now looking at page 1254, number</p> <p>6 2, is it fair to say, and let's backtrack</p> <p>7 for a second. My question is: what position</p> <p>8 did this individual have?</p> <p>9 A. I can't tell.</p> <p>10 Q. How about this individual on</p> <p>11 page 1255?</p> <p>12 A. I can't tell from the picture.</p> <p>13 Q. However the individual on page</p> <p>14 1256 with a base salary of \$200?</p> <p>15 A. Again, I can't tell.</p> <p>16 Q. The individual on page 1257 with</p> <p>17 a base salary of 300?</p> <p>18 A. I can't tell.</p> <p>19 Q. Is there any individual for whom</p> <p>20 you can tell which position the individual</p> <p>21 is in just by looking at the pay stub?</p> <p>22 A. Just the earnings? I can't tell</p> <p>23 based on what is shown in the documents.</p> <p>24 Q. Just for the record, Isaac</p> <p>25 Thanwalla said during his deposition that he</p>	<p style="text-align: right;">Page 65</p> <p>1 Deana Jennings</p> <p>2 was also unable to tell which position the</p> <p>3 individuals were in, and the redacted</p> <p>4 records that were produced for the</p> <p>5 comparator of Leticia Stidhum. At the time,</p> <p>6 he said that he would ask the accountant and</p> <p>7 look at that and provide the information to</p> <p>8 this office. To this day, no information</p> <p>9 has been provided and we're now doing the</p> <p>10 30(b)6 witness. It seems like the corporate</p> <p>11 witness's representative, is also unable to</p> <p>12 provide the information. But, with respect</p> <p>13 to the comparators that were employed.</p> <p>14 MS. TROY: Demand number</p> <p>15 20 for the employee files of</p> <p>16 Leticia Stidhum, including</p> <p>17 the sales commissions sheet</p> <p>18 that was previously requested</p> <p>19 or not provided.</p> <p>20 Demand number 21 is the</p> <p>21 employee file for the DMV</p> <p>22 clerk Lily, who was fired at</p> <p>23 the time that she was</p> <p>24 pregnant. We don't need all</p> <p>25 the files, we just need</p>

<p style="text-align: right;">Page 66</p> <p>1 Deana Jennings</p> <p>2 anyone with information,</p> <p>3 written documents relating to</p> <p>4 her discipline as well as her</p> <p>5 termination that is on file.</p> <p>6 MR. KATAEV: Please</p> <p>7 follow-up in writing.</p> <p>8 MS. TROY: Also the last</p> <p>9 name and her last name and</p> <p>10 last known address.</p> <p>11 MS. TROY: Do you guys</p> <p>12 want to take a 10 minute</p> <p>13 break or do you want to take</p> <p>14 a lunch break? It's up to</p> <p>15 you guys.</p> <p>16 MR. KATAEV: 10 minutes is</p> <p>17 fine.</p> <p>18 MS. TROY: Let's come back</p> <p>19 in 10 minutes, let's come</p> <p>20 back at 11:55.</p> <p>21 (A recess was taken from</p> <p>22 11:44 a.m. until 11:54 a.m.)</p> <p>23 MS. TROY: We are back on</p> <p>24 the record at 11:54. Let's</p> <p>25 continue.</p>	<p style="text-align: right;">Page 67</p> <p>1 Deana Jennings</p> <p>2 Demand number 22 will be</p> <p>3 the office records pertaining</p> <p>4 to the number of cars sold at</p> <p>5 Hillside Auto Outlet, and</p> <p>6 specifically for Leticia</p> <p>7 Stidhum and the other car</p> <p>8 salespeople, and that would</p> <p>9 be October, 2018 until</p> <p>10 February of 2019.</p> <p>11 MR. KATAEV: Please put</p> <p>12 those demands in writing.</p> <p>13 Thank you.</p> <p>14 Q. Are you familiar with the</p> <p>15 Dealertrak system?</p> <p>16 A. Yes.</p> <p>17 Q. To your knowledge, who has</p> <p>18 access to the Dealertrak system at Hillside</p> <p>19 Auto Outlet in 2018?</p> <p>20 A. To the best of my knowledge,</p> <p>21 it's the manager, Isaac, the finance</p> <p>22 managers, and Andris Guzman, Andris Guzman.</p> <p>23 Q. You were working for Hillside</p> <p>24 Auto Outlet, were there times when you would</p> <p>25 be present on the sales floor?</p>
<p style="text-align: right;">Page 68</p> <p>1 Deana Jennings</p> <p>2 A. Passing through from the front</p> <p>3 door to the office, not lingering or sitting</p> <p>4 there?</p> <p>5 Q. Was there ever a time when you</p> <p>6 would see Leticia Stidhum running the credit</p> <p>7 on the Dealertrak system?</p> <p>8 A. No, not to my knowledge.</p> <p>9 Q. To your knowledge, was she ever</p> <p>10 given access to Dealertrak by Isaac?</p> <p>11 A. I wouldn't know if Isaac gave</p> <p>12 somebody access. Again, the managers had --</p> <p>13 I would say it's highly unlikely.</p> <p>14 Q. Did Isaac personally train</p> <p>15 Leticia on how to run credit on the</p> <p>16 Dealertrak system?</p> <p>17 A. I would have no idea.</p> <p>18 Q. The cell phone that you left in</p> <p>19 your car, is that the same cell phone that</p> <p>20 you used back in 2018 or 2019?</p> <p>21 A. No.</p> <p>22 Q. What is the phone that you used</p> <p>23 back in 2018/2019?</p> <p>24 A. I don't know iPhone-something 8,</p> <p>25 I believe.</p>	<p style="text-align: right;">Page 69</p> <p>1 Deana Jennings</p> <p>2 Q. Do you use an iPhone currently?</p> <p>3 A. Yes, I do.</p> <p>4 Q. What is your phone number?</p> <p>5 A. 732-858-2614.</p> <p>6 Q. Is that number back in</p> <p>7 2018/2019?</p> <p>8 A. When did I change my number</p> <p>9 last? I believe so, but I can't remember.</p> <p>10 I don't know exactly when I changed it.</p> <p>11 Q. While you were the controller of</p> <p>12 Hillside Auto Outlet, did you communicate</p> <p>13 with any of the named defendants or the</p> <p>14 plaintiff by text?</p> <p>15 A. I'm sure I have.</p> <p>16 Q. Do you still have any of those</p> <p>17 text messages?</p> <p>18 A. No.</p> <p>19 Q. Do you know why not?</p> <p>20 A. I don't like a long list of</p> <p>21 messages on my phone. I have OCD, and I</p> <p>22 don't like having all of those names. I try</p> <p>23 to keep it to who I spoke to and -- on a</p> <p>24 daily basis, and the list is short.</p> <p>25 Q. Were any of the text messages</p>

<p style="text-align: right;">Page 70</p> <p>1 Deana Jennings</p> <p>2 with the named defendants about Leticia</p> <p>3 Stidhum?</p> <p>4 A. Do you mean current day?</p> <p>5 Q. Let's start from currently, and</p> <p>6 then we will work our way back.</p> <p>7 A. No. Possibly like for documents</p> <p>8 for the case.</p> <p>9 Q. How about back in 2018 and 2019?</p> <p>10 A. Not that I can recall. I don't</p> <p>11 really have interaction with the salespeople</p> <p>12 like that, usually something -- that's</p> <p>13 something that the manager can help them if</p> <p>14 they have a question or something where you</p> <p>15 ask a manager to help you.</p> <p>16 Q. What was your email back then in</p> <p>17 2018/2019?</p> <p>18 A. D-E-E 216456@aol.com.</p> <p>19 Q. Through your aol email address,</p> <p>20 did you ever send emails to or from any of</p> <p>21 the named defendants about Leticia?</p> <p>22 A. No, not back then. Maybe</p> <p>23 pertaining to the case.</p> <p>24 Q. Do you have a work email as</p> <p>25 well?</p>	<p style="text-align: right;">Page 71</p> <p>1 Deana Jennings</p> <p>2 A. No. We had one, but I don't use</p> <p>3 it and we didn't continue the subscription</p> <p>4 for the Gmail account.</p> <p>5 Q. Are you familiar with Auto</p> <p>6 Funds?</p> <p>7 A. To an extent.</p> <p>8 Q. To your knowledge, what is Auto</p> <p>9 Funds?</p> <p>10 A. I believe it's the company that</p> <p>11 feeds our inventory to our computer website.</p> <p>12 Q. To your knowledge, did Leticia,</p> <p>13 would Leticia ever be given access to Auto</p> <p>14 Funds?</p> <p>15 A. I wouldn't know the answer to</p> <p>16 that question.</p> <p>17 Q. I'm now showing you on the</p> <p>18 screen what was marked as Plaintiff's</p> <p>19 Exhibit 2, and we are on page 2. I'm going</p> <p>20 to scroll down.</p> <p>21 (Ms. Troy complies).</p> <p>22 You recognize this document on page 2?</p> <p>23 A. It looks like maybe VIN</p> <p>24 Solutions, but I really can't tell. I don't</p> <p>25 deal with the leads with respect to the</p>
<p style="text-align: right;">Page 72</p> <p>1 Deana Jennings</p> <p>2 dealership. It looks like VIN Solutions.</p> <p>3 Q. Is it fair to say that VIN</p> <p>4 Solutions understated the number of cars</p> <p>5 sold?</p> <p>6 MR. KATAEV: Objection as</p> <p>7 to the form. There was no</p> <p>8 evidence --</p> <p>9 A. I don't know if it's accurate,</p> <p>10 but they do keep some of what a total for</p> <p>11 the interaction of the sales customers with</p> <p>12 the sales records.</p> <p>13 Q. Was the bookkeeper the same as</p> <p>14 the assistant office manager at Hillside</p> <p>15 Auto Outlet?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you have the names?</p> <p>18 A. Yes, Asha.</p> <p>19 Q. Who else?</p> <p>20 A. Just her. What was her</p> <p>21 position, is it just bookkeeper?</p> <p>22 A. She was the bookkeeper and I</p> <p>23 don't know If she had the title of office</p> <p>24 manager. They are mainly the same thing,</p> <p>25 just bookkeeper, I would say.</p>	<p style="text-align: right;">Page 73</p> <p>1 Deana Jennings</p> <p>2 Q. Are you familiar with an</p> <p>3 individual whose name is Ali A-L-I?</p> <p>4 A. Ali used to work at Outlet.</p> <p>5 Q. What was his position?</p> <p>6 A. I think he was manager of some</p> <p>7 sort.</p> <p>8 Q. Let's backtrack for a second: do</p> <p>9 you have use of any social media platforms</p> <p>10 like WhatsApp or Facebook Messenger to</p> <p>11 checks with any of the named defendants?</p> <p>12 MR. KATAEV: Objection to</p> <p>13 the assent that this was not</p> <p>14 something that she can answer</p> <p>15 in her capacity as a 30(b)6</p> <p>16 witness.</p> <p>17 A. I don't really message people on</p> <p>18 social media, I am more of a texter or</p> <p>19 calling person. So, I am pretty sure none</p> <p>20 of them have -- I don't have social media</p> <p>21 really, I don't have WhatsApp and I don't</p> <p>22 keep that up. Maybe my landlord uses that</p> <p>23 for me, but that's it.</p> <p>24 Q. Did Leticia at any point to tell</p> <p>25 you personally about her pregnancy?</p>




<p style="text-align: right;">Page 74</p> <p>1 Deana Jennings</p> <p>2 A. Again, I don't recall how I</p> <p>3 found out. I think I remember knowing about</p> <p>4 it and congratulating her, but I don't know</p> <p>5 how I found out whether it's from her or</p> <p>6 someone else, being aware that she was</p> <p>7 pregnant at that time.</p> <p>8 Q. Do you recall if this was before</p> <p>9 or after Christmas when you congratulated</p> <p>10 her?</p> <p>11 A. I can't recall.</p> <p>12 Q. How about before or after</p> <p>13 Thanksgiving?</p> <p>14 A. I can't recall.</p> <p>15 Q. Was it before or after New</p> <p>16 Year's?</p> <p>17 A. I can't recall.</p> <p>18 Q. Do you recall when Isaac made</p> <p>19 his trip to Pakistan in 2018, December?</p> <p>20 A. I believe it was -- there was a</p> <p>21 few dates that he went.</p> <p>22 Q. I'm asking you about December of</p> <p>23 2018.</p> <p>24 A. No, I just know it was the end</p> <p>25 of December. I believe he was gone for a</p>	<p style="text-align: right;">Page 75</p> <p>1 Deana Jennings</p> <p>2 couple of weeks.</p> <p>3 MS. TROY: Maybe now will</p> <p>4 be a good time for us to take</p> <p>5 a quick lunch break. It is</p> <p>6 now 12:10 and let's come back</p> <p>7 at 12:55.</p> <p>8 MR. KATAEV: That should</p> <p>9 be fine.</p> <p>10 (A recess was taken from</p> <p>11 12:10 p.m. until 12:55 p.m.)</p> <p>12 MS. TROY: We're back on</p> <p>13 the record at 12:55</p> <p>14 Q. We are almost done. Let's go</p> <p>15 back on the record, and Ms. Jennings, can</p> <p>16 you let me know who the CPA is for Hillside</p> <p>17 Auto Mall?</p> <p>18 A. Hillside Auto Mall?</p> <p>19 Q. Right.</p> <p>20 MR. KATAEV: Objection.</p> <p>21 You can answer.</p> <p>22 A. I would have to check my records</p> <p>23 depending on the year, who should be the</p> <p>24 accountant because it fluctuates.</p> <p>25 Q. How about for Hillside Auto</p>
<p style="text-align: right;">Page 76</p> <p>1 Deana Jennings</p> <p>2 Outlet?</p> <p>3 A. Pretty much the same thing. It</p> <p>4 fluctuates depending on the year, which</p> <p>5 owner decided to go with which company.</p> <p>6 Q. Do you recall in 2018/2019 who</p> <p>7 the CPA?</p> <p>8 A. I can't recall without my</p> <p>9 records that far back.</p> <p>10 MS. TROY: Demand number</p> <p>11 23 will be documents</p> <p>12 sufficient to establish the</p> <p>13 name and address of the</p> <p>14 accountants for Hillside Auto</p> <p>15 Mall in 2018/ 2019.</p> <p>16 Demand 24 will be for</p> <p>17 documents sufficient to</p> <p>18 identify the CPA for Hillside</p> <p>19 Auto Outlet for 2018/2019.</p> <p>20 Q. Ms. Jennings, when were you told</p> <p>21 to not bring your cellphone to the</p> <p>22 deposition?</p> <p>23 MR. KATAEV: Objection.</p> <p>24 With the caveat that if you</p> <p>25 had any conversations with</p>	<p style="text-align: right;">Page 77</p> <p>1 Deana Jennings</p> <p>2 your attorney about the</p> <p>3 subject, I instruct you not</p> <p>4 to answer.</p> <p>5 A. (No response).</p> <p>6 Q. Did anyone besides your attorney</p> <p>7 tell you not to bring this cell phone to</p> <p>8 this deposition today?</p> <p>9 A. No. I left it charging in my</p> <p>10 car because I needed the navigation to come</p> <p>11 here from New Jersey. I did not unplug my</p> <p>12 phone from my charger.</p> <p>13 Q. Are you aware that during the</p> <p>14 break I made a request to your attorney for</p> <p>15 you to bring your cell phone back to the</p> <p>16 deposition at or before the end of the lunch</p> <p>17 break?</p> <p>18 MR. KATAEV: Objection as</p> <p>19 to attorney/client privilege.</p> <p>20 I instruct the witness not to</p> <p>21 answer the question.</p> <p>22 MS. TROY: I'm not asking</p> <p>23 what was said between you and</p> <p>24 her, I'm asking her if she</p> <p>25 was aware that there was a</p>



<p style="text-align: right;">Page 78</p> <p>1 Deana Jennings</p> <p>2 demand that was made for the</p> <p>3 cell phone to be brought back</p> <p>4 from the car to the</p> <p>5 deposition.</p> <p>6 MR. KATAEV: I'm going to</p> <p>7 qualify my objection. If you</p> <p>8 have any independent</p> <p>9 knowledge of that, you may</p> <p>10 answer from your knowledge.</p> <p>11 If your knowledge is based on</p> <p>12 my conversations with you,</p> <p>13 you may not answer.</p> <p>14 A. I am confused right now. I</p> <p>15 don't recall being notified about anyone's</p> <p>16 cell phone, it is 30 degrees outside and I'm</p> <p>17 not walking outside to get it.</p> <p>18 Q. Are you familiar with the sales</p> <p>19 process at Hillside Auto Outlet?</p> <p>20 A. To an extent, yes.</p> <p>21 Q. What is the sales process, and</p> <p>22 please break it down into the different</p> <p>23 components with the approximate time?</p> <p>24 A. Well, customer comes in and they</p> <p>25 proceed and they meet with the salesperson.</p>	<p style="text-align: right;">Page 79</p> <p>1 Deana Jennings</p> <p>2 I don't know how long it takes for them, but</p> <p>3 they look at a vehicle that they are</p> <p>4 interested in, and see if it's in their</p> <p>5 price range. Usually after they land a car,</p> <p>6 the salesperson gives the sales manager or</p> <p>7 the manager the corresponding application to</p> <p>8 submit. It could take between maybe 15 or</p> <p>9 20 minutes to maybe 45 minutes to an hour.</p> <p>10 There is a lot of qualifications and</p> <p>11 verifications such as pay stubs, identity,</p> <p>12 Asha, red flags.</p> <p>13 After that is said and done, then it</p> <p>14 goes to the finance manager and he will</p> <p>15 submit everything to the bank. Then, they</p> <p>16 will wait for the bank to give them an</p> <p>17 approval or not.</p> <p>18 Q. When you talked about the</p> <p>19 salesperson would give the sales manager the</p> <p>20 credit application to submit, is that where</p> <p>21 the Dealertrak comes in?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever seen or do you</p> <p>24 have knowledge of the fact that other car</p> <p>25 salespeople's credit applications were</p>
<p style="text-align: right;">Page 80</p> <p>1 Deana Jennings</p> <p>2 prioritized over Leticia Stidhum's customers</p> <p>3 credit applications?</p> <p>4 A. No.</p> <p>5 Q. Were you aware of any</p> <p>6 communications between any of the named</p> <p>7 defendants with the plaintiff, Leticia</p> <p>8 Stidhum, about promoting her to a sales</p> <p>9 manager position?</p> <p>10 A. Not that I was made aware of.</p> <p>11 Q. Backtracking for a moment, are</p> <p>12 you familiar with whether customers of</p> <p>13 Hillside Auto Outlet walked out as a result</p> <p>14 of the long wait time?</p> <p>15 A. No.</p> <p>16 Q. Were you aware that Leticia</p> <p>17 Stidhum complained about the longer wait</p> <p>18 time?</p> <p>19 A. No, not until this case.</p> <p>20 Q. Are you a party to any other</p> <p>21 civil proceeding besides this one?</p> <p>22 A. No.</p> <p>23 MS. TROY: I have no</p> <p>24 further questions for you.</p> <p>25 Thank you, Ms. Jennings.</p>	<p style="text-align: right;">Page 81</p> <p>1 Deana Jennings</p> <p>2 [Time noted: 12:54 p.m.]</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>Page 82</p> <p>1</p> <p>2 WITNESS EXAMINATION BY PAGE</p> <p>3 Ms. Jennings Ms. Troy</p> <p>4 6</p> <p>5 PLAINTIFF EXHIBITS</p> <p>6 Number Description PAGE</p> <p>7 20 ID - Deemed marked 6</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 83</p> <p>1</p> <p>2 REQUESTS</p> <p>3 Number Description PAGE</p> <p>4 22 Demand No. 22 is: 67</p> <p>5 MS. TROY: Will be</p> <p>6 the office records</p> <p>7 pertaining to the</p> <p>8 number of cars sold</p> <p>9 at Hillside Auto Outlet,</p> <p>10 and specifically, for</p> <p>11 Leticia Stidhum and the</p> <p>12 other car salespeople,</p> <p>13 and that would be October,</p> <p>14 2018 until February of</p> <p>15 2019.</p> <p>16 23 Demand No. 23 is: 76</p> <p>17 MS. TROY: Will be</p> <p>18 documents sufficient to</p> <p>19 establish the name and</p> <p>20 address of the accountants</p> <p>21 for Hillside Auto Mall in</p> <p>22 2018/2019.</p> <p>23 24 Demand No. 24 is: 76</p> <p>24 MS. TROY: Will be for</p> <p>25 documents sufficient to</p>
<p>Page 84</p> <p>1</p> <p>2 identify the CPA for</p> <p>3 Hillside Auto Outlet for</p> <p>4 2018/2019.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 85</p> <p>1</p> <p>2 QUESTIONS MARKED FOR A RULING: PAGE/LINE</p> <p>3 (None)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 86</p> <p>1</p> <p>2                   ACKNOWLEDGMENT</p> <p>3</p> <p>4     STATE OF NEW YORK    )</p> <p>5                                )s.s.</p> <p>6     COUNTY OF MIDDLESEX )</p> <p>7         I, DEANA JENNINGS, hereby certify</p> <p>8         that I have read the transcript of my</p> <p>9         testimony taken under oath in my deposition</p> <p>10        of March 10, 2023; that the transcript is a</p> <p>11        true, complete and correct record of my</p> <p>12        testimony, and that the answers on the</p> <p>13        record as given by me are true and correct.</p> <p>14</p> <p>15</p> <p>16                                _____</p> <p>17                                DEANA JENNINGS</p> <p>18</p> <p>19     Signed and subscribed before me</p> <p>20     this ____ day of _____, 2023.</p> <p>21</p> <p>22</p> <p>23                                _____</p> <p>24                                Notary Public</p> <p>25</p>	<p style="text-align: right;">Page 87</p> <p>1</p> <p>2                                C E R T I F I C A T E</p> <p>3</p> <p>4     STATE OF NEW YORK    )</p> <p>5                                )s.s.</p> <p>6     COUNTY OF NASSAU    )</p> <p>7</p> <p>8                                I, LYNN LUCKMAN, a Shorthand</p> <p>9         Reporter and Notary Public within and for</p> <p>10        the State of New York, do certify that;</p> <p>11                THAT the witness whose deposition</p> <p>12        is hereinbefore set forth, was duly sworn by</p> <p>13        me, and that such deposition is a true</p> <p>14        record of the testimony given by such</p> <p>15        witness.</p> <p>16                I further certify that I am not</p> <p>17        related to any of the parties to this action</p> <p>18        by blood or marriage; that I am in no way</p> <p>19        interested in the outcome of this matter.</p> <p>20                IN WITNESS WHEREOF, I have</p> <p>21        hereunto set my hand this 21st day of March,</p> <p>22        2023.</p> <p>23                                </p> <p>24                                _____</p> <p>25                                LYNN LUCKMAN</p>
<p style="text-align: right;">Page 88</p> <p>1     Errata Sheet</p> <p>2</p> <p>3     NAME OF CASE: LETICIA FRANCINE STIDHUM -against- 161-10 HILLSIDE AUTO AVE, LLC</p> <p>4     DATE OF DEPOSITION: 03/10/2023</p> <p>5     NAME OF WITNESS: DEANA JENNINGS</p> <p>6     Reason Codes:</p> <p>7         1. To clarify the record.</p> <p>8         2. To conform to the facts.</p> <p>9         3. To correct transcription errors.</p> <p>10    Page ____ Line ____ Reason ____</p> <p>11    From ____ to ____</p> <p>12    Page ____ Line ____ Reason ____</p> <p>13    From ____ to ____</p> <p>14    Page ____ Line ____ Reason ____</p> <p>15    From ____ to ____</p> <p>16    Page ____ Line ____ Reason ____</p> <p>17    From ____ to ____</p> <p>18    Page ____ Line ____ Reason ____</p> <p>19    From ____ to ____</p> <p>20    Page ____ Line ____ Reason ____</p> <p>21    From ____ to ____</p> <p>22    Page ____ Line ____ Reason ____</p> <p>23    From ____ to ____</p> <p>24</p> <p>25                                _____</p>	